

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:22-CV-00145-BO

NICHOLAS PADA0 and ROBERT  
UYEMATSU, *on behalf of themselves and  
others similarly situated,*

Plaintiffs,

v.

AMERICAN EXPRESS NATIONAL BANK,

Defendant.

JOINT STIPULATED MOTION TO STAY  
PROCEEDINGS

Plaintiffs Nicholas Padao and Robert Uyematsu, on behalf of themselves and others similarly situated, and Defendant American Express National Bank, by and through counsel, respectfully move this Court to stay all proceedings in this matter, including consideration of and hearing on all pending motions, for the parties to engage in mediation. The parties request the stay last 120 days, unless a further extension is requested, or until such earlier time that a party notifies the Court that the mediation process was unsuccessful. As set forth in the following stipulations, the parties have agreed to pursue mediation to attempt to resolve Plaintiffs' claims, and accordingly the parties request a stay to facilitate settlement discussions and conserve the Court's and parties' resources.

The parties STIPULATE as follows:

- 1) The parties will engage in good faith settlement negotiations.
- 2) The parties will enlist the services of a mutually agreeable mediator to facilitate settlement negotiations. The parties will exercise their best efforts to promptly select a mutually agreeable mediator.
- 3) The parties will exercise their best efforts to promptly exchange information necessary to

inform a productive mediation.

WHEREFORE, the parties respectfully request that this Court grant this Joint Stipulated Motion to Stay Proceedings and enter the proposed order attached as an exhibit to this motion. The proposed order stays discovery during the mediation process and extends the deadlines on the case scheduling order if mediation is unsuccessful.

RESPECTFULLY SUBMITTED this the 15th day of June, 2023.

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**CERTIFICATE OF SERVICE**

This is to certify that a true and exact copy of the foregoing document was filed electronically on the 15th day of June, 2023, via the Court's electronic filing system and notice of this filing will be sent to all Parties by operation of the Court's electronic filing system.

/s/ Claire E. Tonry

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**Attorney for Plaintiffs**